IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4702 of 2005

R.S.R.T.C.,JAIPUR
V/S
KISHAN LAL & ORS.

Mr. SP SHARMA for Mr. PR CHOUDHARY, for the appellant / petitioner

Date of Order : 16.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

It is contended that the truck against whom the bus is said to have collided was not properly parked, and therefore, it is a case of contributory negligence, and therefore, it should be impleaded as party.

In my view, the submission is wholly untenable inasmuch as these facts even if taken on the face value do not attract the applicability of principles of contributory negligence, and at best it could be a case of composite negligence in which event the claimant is entitled to recover the entire amount from either of the tort feaser, and therefore, it cannot be said the truck owner is necessary party. In that view of the matter the impugned order does not require for any interference in my writ

jurisdiction.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/sushil/